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OLC 78-2991/1
16 August 1978

PKs filed
HPSCZ

MEMORANDUM FOR THE RECORD

SUBJECT: 16 August 1978 Briefing of the House Permanent Select Committee on Intelligence on Damages Caused by Philip Agee's Revelations and Adequacy of Existing Legislation

1. (S) On 16 August 1978 a briefing was given to the House Permanent Select Committee on Intelligence on the subject of Philip Agee's revelations, damage to CIA from those revelations and the adequacy in existing legislation to preclude further damaging revelations. The briefing lasted from 4:00 - 6:00 p.m. in Room H 405, The Capitol. No transcript was taken and information provided was at the Secret/Sensitive level.

2. (U) Attending from the Committee were:

Chairman Edward P. Boland (D., Mass.)

Representative Bob Wilson (R., Calif.), Member of Subcommittee on Oversight

Representative Robert McClory (R., Ill.), Member of Subcommittee on Legislation

Representative John M. Ashbrook (R., Ohio), Member of Subcommittee on Evaluation

Representative Bill D. Burlison (D., Mo.), Chairman, Subcommittee on Program and Budget Authorization

Representative Romano L. Mazzoli (D., Ky.), Member of Subcommittee on Legislation

Representative J. Kenneth Robinson (R., Va.), Member of Subcommittee on Program and Budget Authorization

3. (U) Attending from the Committee staff were:

Thomas K. Latimer, Staff Director
Patrick G. Long
Herbert Romerstein
Michael J. O'Neil
Bernard Raimo, Jr.
Richard H. Giza

Arlene G. Marek
Ira Goldman
Loch K. Johnson
Martin C. Faga
Annette Smiley

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25X1 4. (Q) Attending from the Agency were: John N. McMahon, DDO, John Stein, ADDO, Anthony A. Lapham, General Counsel, [redacted] Office of General Counsel, Frederick P. Hitz, Legislative Counsel, and [redacted] Assistant Legislative Counsel. Four Department of Justice attorneys attended, two of which were Frederick D. Baron, Special Assistant to the Attorney General, and Glenn V. Whitaker; the two other Department of Justice attorneys' names I did not catch. 25X1

5. (S) Mr. McMahon summarized for the Committee damages caused by Mr. Agee's past revelations and provided prognoses of the kind of damages that will be caused by future revelations. Mr. Lapham summarized the Agency's views on the adequacy of civil and criminal remedies. The Justice Department attorneys provided their own resumes of Justice Department perception of the adequacy of civil and criminal statutes with particular regard to Criminal Code 793, paragraphs d and e. Mr. Lapham provided an eloquent rejoinder to the Department of Justice position that existing criminal legislation was adequate albeit not ideal to meet the problem of unauthorized disclosures. Result of this discussion/briefing is the clear perception in the minds of Committee Members that new legislation is necessary in this area to adequately protect Agency personnel and sources. All of the Committee Members present expressed in vigorous terms their concern about the apparent inadequacy of existing laws and legislation to protect unauthorized disclosure of organization affiliation of Agency employees under cover. By way of outstanding issues the Committee is, in my view, looking to either this Agency or the Executive Branch to provide proposed legislation in this area. Mr. Hitz left some language with the Committee that hopefully will be helpful in this regard.

[redacted] 25X1

Assistant Legislative Counsel

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